

**County of Orange Social Services Agency
Family Self-Sufficiency Division**

Program/Area: CalWORKs/Welfare-To-Work
Title: **Fair Labor Standards Act (FLSA) Minimum Wage Requirements in Unpaid Welfare-to-Work Activities**
Number: 227.2 **Status:** Signature on file
Effective Date: 10/15/2002 **Revision Date:** 07/12/2022

POLICY This policy provides guidelines to Case Managers (CM) on a maximum number of hours per month in unpaid work experience activities that a family may be required to participate under the minimum wage requirement of FLSA. The approved unpaid work experience activities are Community Service Program (CSP) and Experience Provides the Resources for Tomorrow (EXPRT).

DEFINITIONS Grant Calculation Month:

- The month prior to the activity participation month, in which participation hours are determined. The actual amount of the CalWORKs grant and CalFresh allotment authorized for this month are the amounts used to determine the maximum participation hours in the FLSA calculation.

Activity Participation Month:

- The month following the grant/calculation month in which unpaid work experience activities will be performed.

MAXIMUM HOURS OF PARTICIPATION The maximum hours of participation allowed for unpaid work experience activities are based on the FLSA requirements. These hours will be calculated by adding the family's CalFresh allotment to the amount of the CalWORKs grant and then dividing the result by the state minimum wage. Then, rounding down to the nearest whole hour. Case Managers (CM) will utilize the [Simplified CalFresh Program Unpaid Work Experience and Unpaid Community Service Hours- \(WTW 15\)](#) to determine the maximum number of hours allowed under FLSA regulations.

For the current [state minimum wage](#), refer to the Minimum Wage page of the [California Department of Industrial Relations](#) website.

A new [WTW 15](#) is required at the end of the activity or if there is a change to the CalWORKs grant or CalFresh allotment. The participant and provider must be informed of any changes to the maximum hours of participation.

Note: This action must be documented in case comments and the WTW 15 must be imaged in OnBase. Refer to [Filing Guide Database](#) – Master List

Table.

For Temporary Aid for Needy Family (TANF), deeming core hours is allowed for unpaid work experience activities under the FLSA.

- Deeming core hours means counting all aided members of the Assistance Unit (AU), as having satisfied the core hours requirement, if they met the required hours on the WTW 15 in unpaid work experience, even when the actual hours fall short of the core hourly requirement

Deemed Weekly Core Hours by Family Type:

Requirement Type	All-Families Hour Requirement	Two-Parent Hour Requirement
Minimum core hourly requirement (A)	20 hours	30 hours
Maximum Average Unpaid work experience from WTW 15 – FLSA requirement (B)	14 hours	18 hours

Using the table above:

- For an All-Families case to meet the All-Families core hour requirement, the deemed hours are 6
 - $20 \text{ core hours (A)} - 14 \text{ FLSA hours (B)} = 6 \text{ deemed core hours}$
- For a Two-Parent case to meet the Two-Parent core hour requirement, the deemed hours are 12
 - $30 \text{ core hours (A)} - 18 \text{ FLSA hours (B)} = 12 \text{ deemed core hours}$

Note: The maximum number of hours allowed under FLSA is case based not individual based. If both parents in a two-parent family are engaged in unpaid work activities, the total of their unpaid work hours **cannot exceed** the maximum hours allowed under FLSA.

For CalWORKs, if the maximum hours allowed after the FLSA calculation in unpaid work experience activities are less than the 20/30/35 weekly participation requirement, the participant must be assigned to a concurrent activity to meet their hourly participation requirement. Deeming is not allowed

ATTACHMENTS [Simplified CalFresh Program Unpaid Work Experience and Unpaid Community Service Hours- \(WTW 15\)](#)

REFERENCES [ACL 18-70](#)